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DAC
Ifw

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Re: Application No: 10/823,850
Applicant(s): Bertram Burke
Filing Date: April 14, 2004
Entitled: FINAL SALE MERCHANDISE CARD
Attorney Docket No. 1357-13U

Examiner: Kumiko KOYAMA
Group Art Unit: 2876

Certificate of Mailing (37 C.F.R. 1.8(a))

I hereby certify that this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date set forth below.

March 7, 2007

Brenda J. Whitcomb

Brenda J. Whitcomb

Date of Signature and Mail Deposit

Name of Person Signing

Signature

Sir:

Transmitted herewith is a Reply to the Notice mailed February 6, 2007.

The following checked items are applicable:

☐ _____ sheets of formal drawings, FIGS. _____.

☒ A Petition for Revival of an Application for Patent Abandoned Unintentionally under 37 CFR 1.137(b), Letter re: Issue Fee Payment.

☐ A Petition for Extension of Time and the small-entity extension fee of \$60.00 for filing a response within the first month is herewith enclosed.

☐ Copy of Notice of Change of Correspondence Address is enclosed.

CLAIMS AFTER AMENDMENT:	MINUS PRIOR PAID CLAIMS:	EQUALS PRESENT EXTRA CLAIMS:	RATE:	ADDITIONAL FEE:
Independent: x	x	0	x \$ 200.00 =	\$ 0
Total: x	xx	0	x \$ 50.00 =	\$ 0
Multiple Dependent Claims (1st presentation)			+ \$ 360.00=	\$ 0
SUBTOTAL ADDITIONAL FEE				\$ 0
Small Entity filing, divide by 2.				\$ 0
TOTAL ADDITIONAL FEE				\$ 0

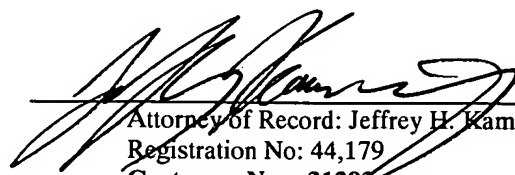
☐ The fee has been calculated above; enclosed is a check in the amount of \$

☒ PTO Form-2038 in the amount of \$750.00

☒ A self-addressed, stamped postcard for verification and receipt is enclosed.

☒ The Commissioner is hereby authorized to credit overpayments or charge payment of any additional fees associated with this communication to Deposit Account No. 502104.

Date: March 7, 2007


Attorney of Record: Jeffrey H. Kamenetsky
Registration No: 44,179
Customer No.: 31292



PTO/SB/64 (11-03)
Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)
1357-13U

First named inventor: Bertram Burke

Application No.: 10/823,850

Art Unit: 2876

Filed: April 14, 2004

Examiner: Kumiko KOYAMA

Title: FINAL SALE MERCHANDISE CARD

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX: (703) 872-9306

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee --required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

- ☒ Small entity-fee \$750.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.
☐ Other than small entity - fee \$ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of an Issue Fee:

- ☐ has been filed previously on _____.
☐ is enclosed herewith.

B. The issue fee of \$700.00.

- ☒ has been paid previously on May 15, 2006 [PLEASE APPLY TO ISSUE FEE DUE NOV. 11, 2006].
☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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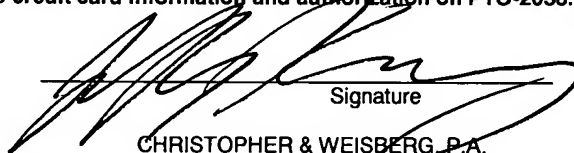
3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$_____ for a small entity or \$_____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

March 07, 2007
Date


Signature
CHRISTOPHER & WEISBERG, P.A.

Telephone
Number: (954) 828-1488

Jeffrey H. Kamenetsky
Typed or printed name

200 East Las Olas Boulevard, Suite 2040
Address

Enclosures: ☒ Fee Payment

Fort Lauderdale, Florida 33301
Address

☐ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

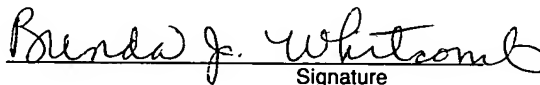
☒ Other: Letter re: Issue Fee Payment

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

- ☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: **Mail Stop Petition**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
- ☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 872-9306.

March 07, 2007
Date


Signature

Brenda J. Whitcomb
Typed or printed name of person signing certificate



PATENT

Certificate of Mailing (37 C.F.R. 1.8(a))

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first-class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date set forth below.

Brenda J. Whitcomb
Name of Person Mailing Paper

Brenda J. Whitcomb
Signature of Person Mailing Paper

March 07, 2007
Date of Deposit

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Number: 10/823,850
Filing Date: April 14, 2004
Applicant(s): Bertram Burke
Entitled: FINAL SALE MERCHANDISE CARD
Examiner: Kumiko KOYAMA
Group Art Unit: 2876
Attorney Docket No.: 1357-13U

Mail Stop Petition
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Letter re: Issue Fee Payment

Sir:

Attached herewith is USPTO form PTO/SB/64 Petition for Revival of an Application for Patent Abandoned Unintentionally under 37 CFR 1.137(b). The above-named Application was apparently abandoned due to failure to pay an issue fee due November 11, 2006. However, an issue fee was previously paid on May 15, 2006.

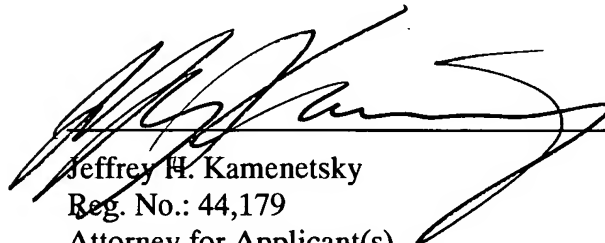
Please apply the issue fee paid on May 15, 2006 to the issue fee that was due on November 11, 2006, OR to the issue fee due on a date to be determined upon revival of the Application.

Application No. 10/823,850
Filed: April 14, 2004
Attorney Docket No.: 1357-13U

The Examiner is encouraged to contact the undersigned to expedite the allowance and issuance of the Application.

Respectfully submitted,

Date: March 07, 2007

A handwritten signature in black ink, appearing to read 'Jeffrey H. Kamenetsky', is written over a horizontal line.

Jeffrey H. Kamenetsky
Reg. No.: 44,179
Attorney for Applicant(s)
Christopher & Weisberg, P.A.
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